



THOMAS L. WELCH  
CHAIRMAN

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION  
242 STATE STREET  
18 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0018

ORIGINAL

WILLIAM M. NUGENT  
STEPHEN L. DIAMOND  
COMMISSIONERS  
EX PARTE OR LATE FILED

February 16, 2000

**VIA FEDERAL EXPRESS**

Magalie Salas  
Portals II  
445 12<sup>th</sup> Street, SW  
Suite TW-A325  
Washington, D.C. 20554

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Re: Ex Parte Comments - Two Copies filed  
CC Docket No. 99-200

Dear Ms. Salas:

I am filing this letter with the Commission in order to comply with the FCC's *ex parte* regulations. Attached please find a copy of a letter sent to Chairman Kennard and the Commissioners concerning the above-captioned docket.

Respectfully submitted,

  
Trina M. Bragdon

cc: Chairman William Kennard  
Commissioner Harold Furchtgott-Roth  
Commissioner Gloria Tristani  
Commissioner Susan Ness  
Commissioner Michael Powell  
Lawrence Strickling  
Yog Varma



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The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

The Honorable Susan Ness  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

The Honorable Harold W. Furchtgott-Roth  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

The Honorable Michael K. Powell  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

The Honorable Gloria Tristani  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Docket No. 99-200

Dear Chairman Kennard and Commissioners:

I am pleased to report that Maine has taken many steps to implement the numbering authority delegated by the Federal Communications Commission last September. The interim authority has allowed the Maine Public Utilities Commission (MPUC) to move forward with a thousand block pooling trial, scheduled to begin on June 1, 2000, and to implement fill rates and facilities readiness requirements for the assignment of codes. The MPUC believes that these measures will allow us to postpone the introduction of a second area code in Maine for many years. Thus, I want to thank you each of you for your support of our petition for delegated authority and for recognizing the need for state authority on numbering issues. I hope that you will continue to support state authority on numbering issues by ensuring that your final order and rules in Docket No. 99-200, Notice of Proposed Rulemaking, *In the Matter of Number Resource Optimization* (NPRM), reflect the proper balance of federal authority and the need for national uniformity with state authority and the need to address the public interest at the state level.



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MPUC staff has led efforts to coordinate state policy on numbering issues. Recently the state staff group met with staff from the Network Services and Wireless Divisions of the Commission to discuss state experiences in implementing our interim delegated authority and to advocate state positions on several important issues. I will not repeat all of the specific issues discussed at the meeting but I do wish to call your attention to several critical points.

First, adoption of the so-called "carrier choice" proposal outlined in the NPRM would negate all progress made with the interim delegated authority and very likely result in the worsening of the current numbering crisis and premature exhaust of the North American Numbering Plan (NANP). Simply put, if carriers are not required to participate in conservation measures such as thousand block pooling and fill rates, they may not participate at all. One of the major benefits of thousand block pooling is the ability to reclaim millions of unused numbers in carrier inventories. If carriers are allowed to opt out of pooling, those numbers will remain unused while new area codes will be needlessly imposed on the public.

There are many more reasons why carrier choice should not be adopted and those are detailed on the attached issue summary sheet. Because of the importance of this issue, I wanted to bring it specifically to your attention. I will also be calling Yog Varma and Larry Strickling to emphasize the importance of this issue to Maine.

As you consider your final order in the NPRM, I urge you to keep three important principles in mind. First, telecommunications carriers must be made accountable for their use of public resources through mandatory compliance with specific rules and reporting requirements. The system of voluntary compliance with loosely written industry guidelines has greatly contributed to the current crisis. All parties will benefit from clearly written and uniformly enforced rules.

Second, both states and NANPA need authority to enforce the new rules and regulations. The industry has been unable to police itself in the past and will likely continue to be unable to police itself as competitive pressures preclude industry consensus on important issues. Thus, it will be necessary for NANPA and the states to be able to move swiftly and decisively in enforcing national rules and regulations.

Finally, states must be allowed to participate in the development of national numbering policy. Currently, many numbering policy decisions are being made at the North American Numbering Council level through adoption of industry-drafted guidelines. While states participate in NANC through our NARUC representatives, we are greatly outnumbered by the industry on the NANC. Because the states, not the industry, are held accountable to the public on numbering issues, we believe we should be given a more substantial role in national numbering policy development.

Again, thank you for your attention to this important issue. I am greatly heartened by the direction the Commission has taken thus far. I am confident that continued cooperation between the Commission and state commissions will benefit all consumers by forestalling both the need for unnecessary area code changes and the need to expand the NANP.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Welch", with a stylized, flowing script.

Thomas L. Welch

cc: Larry Strickling  
Yog Varma

## **CARRIER CHOICE OF CONSERVATION MEASURES SHOULD NOT BE ALLOWED**

### **A. The Proposal**

In the NPRM, the FCC sought comment on whether they “should establish thresholds for efficient use of numbering resources, but leave the choice of method for achieving these thresholds to individual carriers.” NPRM at ¶ 216.

### **B. Reasons States Oppose Carrier Choice**

1. Adoption of this approach is tantamount to continuing the current scheme and will lead to a worsening of the numbering crisis, premature exhaust of the NANP, and public outcry over the wasting of public resources.
2. If carriers are not required to pool, they will not. If we do not implement pooling soon, we will surely prematurely exhaust the NANP.
3. Carrier choice will jeopardize national uniformity.
4. Individual carrier decisions will undermine any positive impacts of other carriers’ decisions. If carriers with large amounts of spare numbers, especially ILECS, refuse to pool, only minimal efficiencies will be gained by having a few carriers participate in pooling.
5. Carrier choice will be impossible to administer – states will be held hostage to the business plans and competitive agendas of individual carriers. State will be powerless to develop comprehensive, competitively neutral, and effective conservation plans.
6. Carrier choice will be impossible to enforce unless the FCC is willing to put carriers out of business for not meeting their requirements. Financial penalties will not be effective unless they are drastic.
7. Carrier choice will unnecessarily complicate cost recovery issues.